vation, and that it is not a forcing of a prisoner to be a witness against himself to require him to give to witnesses in court, or out of court, an opportunity to make such observation. . . . . We are satisfied that the required surrender of defendant's shoe did not constitute an unreasonable search or seizure, and that the form and outlines of one's shoe are not so naturally secret that the enforcing opportunity to observe them requires of the accused a disclosure of a fact which he has any right to withhold so as to constitute any infringement of the constitutional command that he shall not be compelled to be a witness against himself."

RIGHTS IN INVENTIONS AS BETWEEN EMPLOYER AND EMPLOYEE.—The case of *Gallagher* v. *Hastings*, decided by the court of appeals, D.C., reported 103 O. G., page 1165 (issue of March 31, 1903), affirms a similar decision in the same case by the commissioner personally, reported at 103 O. G., 425, (issue March 5, 1903) and involves a confirmation of the proposition contained in the article by Mr. Dwight B. Cheever, (I MICHIGAN LAW REVIEW, 384), that "Where an employer has conceived a broad invention and employs a mechanic to help him perfect it, and in the course of such employment within the scope of the contract, minor inventions are made, such inventions belong to the employer."

The statement of facts is quite long, but in substance shows that one Hastings conceived an invention in car bolsters and went to the factory of Gallagher, and employed him to make drawings and castings of the device. Later when Hastings filed his patent application he was met in the patent office by another application from Gallagher. The two applications were thrown into interference thus making up the present suit. In finally deciding the case, the court of appeals, at p. 1168, 103 O. G. says:—"If Hastings disclosed the idea of a bolster with recesses for the sills to Gallagher and employed him to construct one of that kind the relation of employer and employee, to which the law attaches certain consequences, was established between them. These consequences were thus stated by Mr. Justice Morris in a former case involving their consideration under somewhat different conditions: 'We regard it as well-settled law that, when one who has conceived the principle or plan of an invention employs another to perfect the details and to realize his conception, and the employee devises new and valuable improvements in the original conception or invention, the improvements belong to the employer and not to the employee.' (*Milton* v. *Kingsley*, 7 App. D. C., 531, 537, and see *Agawan Co.* v. *Jordan*, 7 Wall., 583, 602; *Gedge* v. *Cromwell*, 19 App. D. C. 192, 198; *Miller* v. *Kelley*, 18 App. D. C. 163-170.)

"Grant that it cannot be assumed from the statement of Hastings alone that he employed Gallagher to improve upon a specific design communicated to him, yet, the admissions of Gallagher sufficiently establish the relation of employer and employee in respect of a construction in the course of which the invention was made and completed. The principle controlling that relation imposed upon the employee, at least, the burden, of showing that the employment was not to give practical form to a conception of his employer, but merely to provide means to answer a general purpose, and that in so

doing he had an independent conception of the way to accomplish that purpose.

"It would be unreasonable to give one who holds himself out as a manufacturer of machines, castings, and other constructions for others, the advantage of position in a claim of invention in any such construction over him who ordered and paid for it; and it is but just that in establishing such a claim he should be charged with the burden of proving that he had not received the general plan or conception from his customer and merely perfected it."

CONSTITUTIONAL LAW—POWER OF LEGISLATURE TO PRESCRIBE RULES OF EVIDENCE—MAKING CONVEYANCE BY PERSON INDEBTED PRIMA FACIE EVIDENCE OF INTENT TO DEFRAUD CREDITORS.—A statute of Michigan (Public Acts 1897, No. 99), declares "That in all suits begun or hereinafter to be begun by the filing of bills in aid of execution, the complainant shall make a prima facie case by introducing in evidence the judgment against the principal defendant, the execution with the levy or levies thereon endorsed and proof of the conveyance or conveyances complained of. The burden of proof shall then be upon the judgment debtor, or the person or persons claiming through or under him, or the person or persons who, it is claimed, are holding property in trust for said judgment debtor, to show that the transaction or transactions are in all respects bona fide, or that such person or persons are not holding as a trustee, or trustees, of said judgment debtor."

In *Crane* v. *Waldron* (1903), — Mich. —, 94 N. W. Rep., the validity of this legislation was sustained by a divided court. The position of the majority is shown by the following extract: "The power of the legislature to prescribe rules of evidence is undoubted. When one is in debt and deeds all of his property subject to execution to another, who has no visible property, it cannot be said that there is no evidence tending to show fraud. It was within the legislative power to say that these facts shall be prima facie evidence of a fraudulent intent, making it necessary for the persons charged with fraud to give some testimony to the contrary. COOLEY'S CON. LIM., 457; *Gruner* v. *Brooks*, 8 D. L. N. 79; *Molitor* v. *Robinson*, 40 Mich. 200; *Buhl Iron Works* v. *Teuton*, 67 Mich. 623; *Hatch* v. *Fowler*, 28 Mich. 205; *Webster* v. *Bailey*, 40 Mich. 641; *Cooper* v. *Brock*, 41 Mich. 488; *Kipp* v. *Lamereaux*, 81 Mich. 299; *United States* v. *Lee Huen*, 118 Fed. Rep. 442."

Grant, J., filed a vigorous dissenting opinion, in which Justice Moore concurred. Their position was that the statute did more than merely to change a rule of evidence: "It deliberately attempts to make a presumptively honest act a presumptive fraud. It deals with facts, not with evidence. It does not take up some rule of evidence and change it. The execution of a deed, though the grantor be in debt, is not of itself evidence of fraud. There always has been, and always ought to be, some other facts connected with it which tend to show a fraudulent intent. Evidence is defined to be any matter of fact, the effect, tendency, or design of which is to produce in the mind a persuasion, affirmative or disaffirmative, of the existence of some other matter of fact: BEST ON EV., Sec. 11."

Such a statute, declared the dissenting judges, although perhaps not forbidden by the express language of the constitution, is violative of fundamen-